

ESTTA Tracking number: **ESTTA527424**

Filing date: **03/19/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048732
Party	Defendant Ronald Beckenfeld
Correspondence Address	MICHAEL L LOVITZ LOVITZ IP LAW PC 9701 WILSHIRE BLVD, STE 1000 BEVERLY HILLS, CA 90212 UNITED STATES mlovitz@lovitziplaw.com
Submission	Motion for Summary Judgment
Filer's Name	Michael L. Lovitz
Filer's e-mail	trademarks@lovitziplaw.com
Signature	/michael l lovitz/
Date	03/19/2013
Attachments	Lovitz SJ Declaration and Exhibit A.pdf ( 25 pages )(1076117 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ALTVATER GESSLER – J.A. BACZEWSKI	:	Cancellation 92048732
INTERNATIONAL (USA) INC. and ALTVATER	:	
GESSLER – J.A. BACZEWSKI GMBH,	:	
	:	
Petitioners,	:	Registration No.: 2,731,948
	:	
v.	:	
	:	
RONALD BECKENFELD,	:	
	:	
Respondent	:	Attorney Docket No. B1001-9001

**DECLARATION OF MICHAEL L. LOVITZ**

I, Michael L. Lovitz, hereby state as follows:

1. This declaration is made in support of Registrant’s Motion for Summary Judgment in the above-captioned matter.
2. I am a partner in the law firm of Lovitz IP Law PC, which firm had served as legal counsel to Respondent in this matter.
3. During the course of discovery in the above-captioned matter, Petitioners have produced documents responsive to discovery requests propounded by Respondent, which documents have been Bates stamped and numbered using the prefix “ALT”.
4. Among the documents produced by Petitioners were the following:
  - a. a copy of the file history for Registration No. 2,731,948 (ALT 00702-00716);
  - b. a copy of a letter agreement between the parties confirming transfer of brand ownership in the United States for MONOPOLOWA vodka (ALT 00462);
  - c. a copy of the transfer agreement signed by Petitioners agreeing to transfer the brand ownership of the MONOPOLOWA vodka in the United States (ALT 00464);

d. a copy of correspondence from Rasiel Gessler, Esq. to Mutual on the subject of amending Mutual's August 27, 1992 Agreement with Altvater Gessler / J.A. Baczewski (ALT 00466-7);

e. a copy of an unsigned August 27, 1992 Power of Attorney confirming transfer of the brand ownership by separate agreement (ALT 00540); and

f. a copy of a March 16, 2003 Power of Attorney signed by Elek Gessler confirming Mutual has the exclusive right to import, market, sell and distribute MONOPOLOWA products in the United States (ALT 00542).

The foregoing documents are attached hereto as Exhibit A.

5. Additionally, Petitioners sought production of documents from Mutual Wholesale Liquor Inc. ("Mutual") pursuant to a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises dated October 5, 2009 (the "Mutual Subpoena"). Documents produced in response to the Mutual Subpoena have been Bates stamped and numbered using the prefix "M".


6. Among the documents produced pursuant to the Mutual Subpoena were a signed copy of the August 27, 1992 Power of Attorney confirming transfer of the brand ownership by separate agreement, wherein the signature had been obscured by white-out correction fluid, along with close ups photographs I have taken from the front and from behind showing the existence of the signature beneath the correction fluid (M 07297-7300). Copies of the foregoing documents are attached hereto as Exhibit B.

7. The 1992 Power of Attorney was thought to be lost; however, Respondent was recently able to locate the copy attached as Exhibit B. It is not known why the signature has been covered by correction fluid.

8. The use of the correction fluid was not completely precise, and as a result there is a stray line approaching the bottom left hand side of the letter “G” in “GESSLER” which was not covered by the fluid, and a portion of the top left hand side of that same letter “G” is obscured.

9. In addition to the documents produced in response to Respondent’s discovery requests and the Mutual Subpoena, Petitioners have taken the depositions of Mickey Beckenfeld, the then-president of Mutual, and of John Wilson, Mutual’s former general manager. Excerpts from the May 8, 2008 deposition of Mickey Beckenfeld are attached hereto as Exhibit C, and excerpts from the November 18, 2011 deposition of John Wilson, are attached hereto as Exhibit D.

The undersigned, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declare that I am properly authorized to execute this document on behalf of the Registrant; that all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

  
Michael L. Lovitz

# EXHIBIT A

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

**United States Patent and Trademark Office**

Reg. No. 2,731,948

Registered July 1, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**MONOPOLOWA**

MUTUAL WHOLESALE LIQUOR INC. (CALI-  
FORNIA CORPORATION), DBA INTERNA-  
TIONAL IMPORT EXPORT  
4510 SOUTH BOYLE AVENUE  
LOS ANGELES, CA 90058

"MONOPOLOWA" IS A POLISH WORD THAT IN  
ENGLISH MEANS "MONOPOLY".

SER. NO. 76-449,831, FILED 9-16-2002.

FOR: VODKA, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 11-0-1972; IN COMMERCE 11-0-1972.

KARAN CHHINA, EXAMINING ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

APPLICATION FOR TRADEMARK REGISTRATION  
UNDER SECTION 1(a)

---

Mark: MONOPOLOWA

International Class Nos.: 33

To the Commissioner of Patents and Trademarks:

Applicant is MUTUAL WHOLESALE LIQUOR INC. d/b/a International Import Export, a California corporation located in the County of Los Angeles, California with a business address of 4510 South Boyle Avenue, Los Angeles, California 90058.

The above-identified applicant has adopted and is using the trademark shown in the accompanying drawing for:

Vodka, in International Class 33;

The above-identified applicant requests that said mark be registered in the United States Patent and Trademark Office in the Principal Register established by the Act of July 5, 1946.

The above referenced trademark was first used in connection with the goods and services of International Class 33 at least as early as November, 1972; and was first used in interstate commerce at least as early as November, 1972; and is now in use in such commerce.

"Monopolowa" is a Polish word that in English means monopoly.

The mark is used by imprinting the same directly on labels or on packaging of the goods which are distributed and/or displayed to customers for purposes of

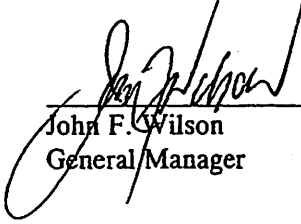
identifying applicant's goods, or in other manners customary in the trades. A specimen illustrating the mark for each class is included herewith.

## DECLARATION

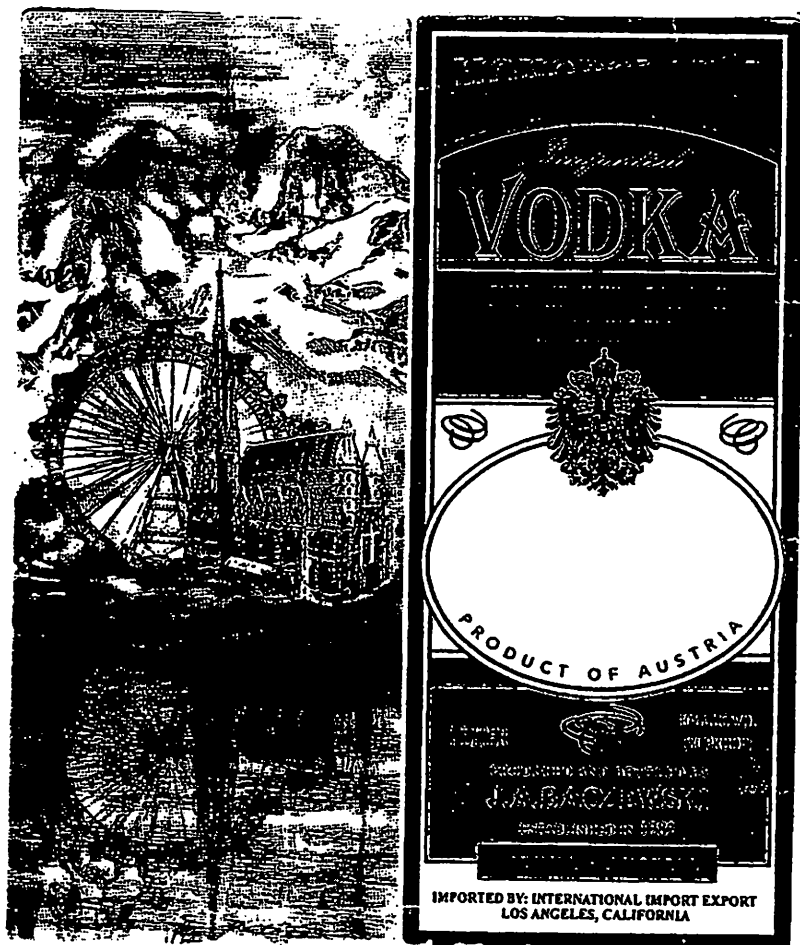
John F. Wilson, the General Manager for Applicant corporation MUTUAL WHOLESALE LIQUOR INC. d/b/a International Import Export, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares: that he is properly authorized to execute this application on behalf of the Applicant; that he believes the Applicant to be is the owner of the trademark sought to be registered; and to the best of his knowledge and belief no other person, firm, corporation or association has the right to use the mark in commerce, either in the identical form thereof, or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

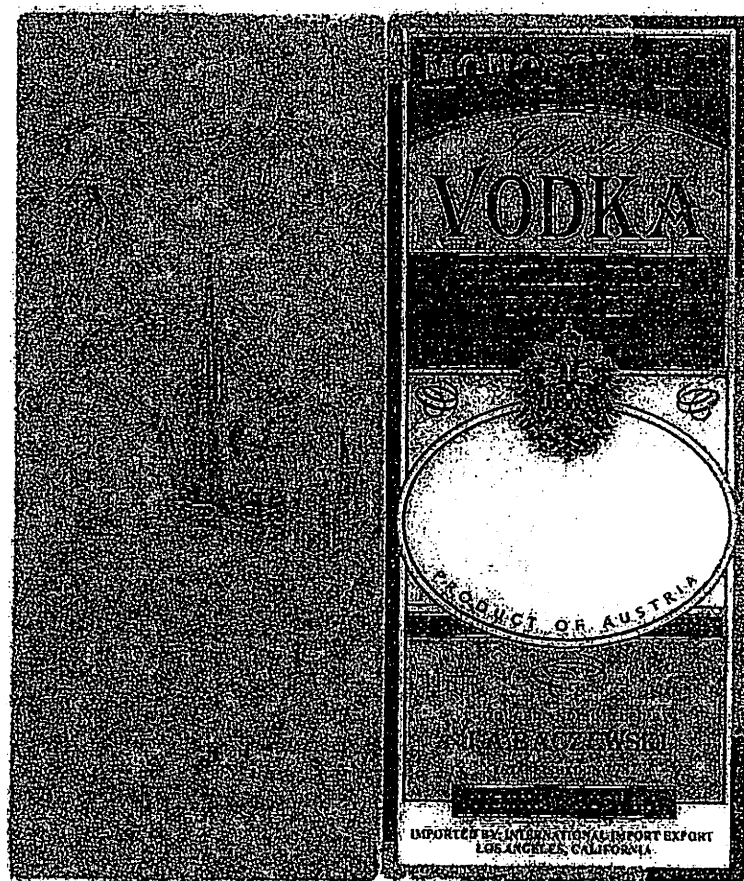
MUTUAL WHOLESALE LIQUOR INC.

Date: September 9, , 2002

  
\_\_\_\_\_  
John F. Wilson  
General Manager







APPLICANT: MUTUAL WHOLESALE LIQUOR INC., d/b/a International  
Import Export

ADDRESS: 4510 South Boyle Avenue, Los Angeles, California 90058

CLASS	DATE OF FIRST USE at least as early as	FIRST USE IN INTERSTATE COMMERCE at least as early as	GOODS AND/OR SERVICES
33			Vodka

U.S. Patent & TMO/TM Mail Rpt Dt #10

09-16-2002

U.S. Patent & TMO/TM Mail Rpt Dt #10

MARK: MONOPOLOWA

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211  
(310) 451-0647  
Fax: (310) 394-4477  
[www.cislo.com](http://www.cislo.com)

\\NTSERVER\ARCHIVE\TMO\DOC\302-1111\TRADEMARK APPLICATION.DOC

U.S. Patent & TMO/TM



76449831

ALT 00707

APPLICANT: MUTUAL WHOLESALE LIQUOR INC., d/b/a International  
Import Export

ADDRESS: 4510 South Boyle Avenue, Los Angeles, California 90058

CLASS	DATE OF FIRST USE at least as early as	FIRST USE IN INTERSTATE COMMERCE at least as early as	GOODS AND/OR SERVICES
33			Vodka

U.S. Patent & TMO/TM Mail Rpt Dt. #10

09-16-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #10

MARK: MONOPOLOWA

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211  
(310) 451-0647  
Fax: (310) 394-4477  
[www.cislo.com](http://www.cislo.com)

\\NTSERVER\ARCHIVE\TMO\DOCS\02-1111\TRADEMARK APPLICATION.DOC

U.S. Patent & TMO/TM



76449831

ALT 00708

76449831

TRADEMARK APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

09/18/2002 CMAY11 00000046 76449831

01 FC:361 325.00 DP

PTO-1555  
(5/87)

ALT 00709

## **POWER OF ATTORNEY**

---

Applicant hereby appoints the attorneys listed below to prosecute this application to register, to transact all business in the United States Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration. The attorneys listed are all members of the Bar of the State of California and are admitted to practice in the State of California and the United States Patent and Trademark Office.

Donald M. Cislo, Esq., Reg. No. 22,060  
Charles H. Thomas, Esq., Reg. No. 25,710  
Daniel M. Cislo, Esq., Reg. No. 32,973  
David L. Hoffman, Esq., Reg. No. 32,469  
Andrew S. Jordan, Esq., Reg. No. 33,917

Robert J. Lauson, Esq., Reg. No. 41,930  
George L. Steele, Esq., Reg. No. 43,154  
Kelly Cunningham, Esq., Reg. No. 43,570  
Naomi Mann, Esq., Reg. No. 46,431  
Sarah A. Brown, Esq., Reg. No. 47,455

Please address all communications as follows:

Robert J. Lauson, Esq.  
CISLO & THOMAS, LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211  
Tel: (310) 451-0647  
Fax: (310) 394-4477  
[www.cislo.com](http://www.cislo.com)

MUTUAL WHOLESALE LIQUOR INC.

Date: September 9, 2002

  
John F. Wilson  
General Manager

\*\*\* User: kchhina \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	2	1	1	0	0:01	"mutual wholesale" [ow]
02	72	0	1	1	0:06	monop* [bi,ti] not dead [ld]
03	22	0	22	10	0:04	2 and "033" [cc]

Session started 2/10/03 10:30:38 AM  
Session finished 2/10/03 10:36:00 AM  
Total search duration 0 minutes 11 seconds  
Session duration 5 minutes 22 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TIGRS as Serial Number: 76449831

**Document Description: Notice of Publication**

Mail / Create Date: 19-Mar-2003



Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
[www.uspto.gov](http://www.uspto.gov)

Mar 19, 2003

**NOTICE OF PUBLICATION UNDER 12(a)**

- |                                     |   |
|-------------------------------------|---|
| 1. Serial No.:<br>76/449,831        | 2. Mark:<br>MONOPOLOWA                        |
| 3. International Class(es):<br>33   |   |
| 4. Publication Date:<br>Apr 8, 2003 | 5. Applicant:<br>MUTUAL WHOLESALE LIQUOR INC. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202) 512-1800

By direction of the Commissioner.

Correspondence Address:

ROBERT J. LAUSON, ESQ.  
CISLO & THOMAS, LLP

TMP&I



233 WILSHIRE BOULEVARD, SUITE 900  
SANTA MONICA, CALIFORNIA 90401-1211

## TDR Home

This document may be displayed as a PDF file containing images without text. You may view online or save the entire document by clicking on the file download icon in the upper right corner of this page. [required PDF viewer]

FAQ: Are you seeing only the first page of this PDF document?

*If you need help:*

- *Call the Trademark Assistance Center at 571.272.9250 for help on trademark matters.*
- *Send questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you have technical difficulties or problems with this application, please e-mail them to Electronic Business Support Electronic Applications or call 1 800-786-9199.*

Atty. Docket No. 02-11111

Monopolowa Trademark

U.S. REG. NO. 2,731,948  
ISSUED JULY 1, 2003

POWER OF ATTORNEY

Applicant revokes any previous powers of attorney granted, and hereby appoints the attorney listed below, a member of the State Bar of California and admitted to practice before the U.S. Patent & Trademark Office (PTO), to prosecute this application, receive all communications from the PTO, and receive the registration certificate:

Robert J. Lauson, Esq. (U.S. Reg. No. 41,930)

LAUSON & ASSOCIATES

1334 Parkview Avenue., Suite 100

Manhattan Beach, CA 90266

Tel. (310) 546-8170

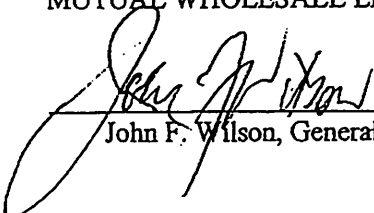
Fax (310) 546-8171

Email [bob@lauson.com](mailto:bob@lauson.com)

Communications via email is authorized.

MUTUAL WHOLESALE LIQUOUR, INC.

Dated: April 6th, 2006

  
John F. Wilson, General Manager

U.S. PATENT & TRADEMARK OFFICE

04-17-2006

U.S. Patent & TMO/TM Mail Rpt Dt. #72

ALT 00714

Document Description: **Change of Address**

Mail / Create Date: 02-Oct-2006



PTO Form 1553 (Rev 4/2000)

OMB Control #0651-0009 (Exp. 06/30/2005)

## Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76449831
REGISTRATION NUMBER	2731948
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK	MONOPOLOWA
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	ROBERT J. LAUSON, ESQ. CISLO & THOMAS, LLP 233 WILSHIRE BOULEVARD, SUITE 900 SANTA MONICA CALIFORNIA 90401-1211 United States (310) 394-4477 (310) 451-0647
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	Robert J. Lauson Lauson & Associates Fourth Floor 1600 Rosecrans Avenue Manhattan Beach California United States 90266 (310) 321-7890 (310) 321-7891 Bob@lauson.com
SIGNATURE SECTION	
SIGNATURE	/RJL/
SIGNATORY NAME	Robert J. Lauson
SIGNATORY DATE	10/02/2006

**FILING INFORMATION SECTION**

SUBMIT DATE

Mon Oct 02 20:13:36 EDT 2006

TEAS STAMP

USPTO/CCA-216.70.165.176-  
20061002201336235058-7646  
6133-350a71792221ae13f4ac  
f2a6b49f17136-N/A-N/A-200  
61002201059558978TDR Home

This document may be displayed as a PDF file containing images without text. You may view online or save the entire document by clicking on the file download icon in the upper right corner of this page. [required PDF viewer]

FAQ: Are you seeing only the first page of this PDF document?

*If you need help:*

- *Call the Trademark Assistance Center at 571.272.9250 for help on trademark matters.*
- *Send questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you have technical difficulties or problems with this application, please e-mail them to Electronic Business Support Electronic Applications or call 1 800-786-9199.*

MUTUAL WHOLESALE LIQUOR INC.

DBA International Import Export  
P.O. Box 58329 Los Angeles, CA 90058  
(213) 587-7641  
Telex: 510 100 3836 MUTUALIMPORT  
FAX: 213-587-0820

August 27, 1992

Mr. Gessler  
ALTIVATER GESSLER/J. A. BACZEWSKI

Dear Mr. Gessler,

This confirms and outlines the arrangement reached between us, to-day, by telephone, on VODKA MONOPOLOWA/J. A. BACZEWSKI.

It was agreed that you would immediately fax your letter declaring the transfer of brand ownership, in the United States of America and ~~Austria~~ on VODKA MONOPOLOWA/J. A. BACZEWSKI to this company MUTUAL WHOLESALE LIQUOR INC. (MUTUAL) for the sum of One-U.S. Dollar (\$1.00).

It was further agreed that the method of payment on all purchases of the said Brand, by MUTUAL, be as follows:

1. Agreed Price:	case of 12/Ltrs.	-	\$24.00
	Less Discount 2%	-	.48
	Net Price	-	23.52*

\* Any inflation or deflation affecting price by more than 10% will be adjusted to the satisfaction of both parties.

2. Agreed Disbursement: (A) Directly to Bottler \$18.50-Paid by Letter of Credit.

(B) Balance of \$5.02 (\$24.00-2% - 18.50) less cost of European Inland Freight ex bottlers plant in Austria/to Northern European Port, to be paid directly to you, at the time of receipt, by MUTUAL of shipments of said Brand ordered by MUTUAL.

Please acknowledge your acceptance of this agreement by signing in the place provided below and returning to this office.

Very truly yours,

MUTUAL WHOLESALE LIQUOR, INC.

  
MICKEY BECKENFELD  
President

Accepted & Agreed to: ALTIVATER GESSLER G.a.b.

  
ELEK ~~E. Gessler~~ President

Date: \_\_\_\_\_

ALT 00462



ALTVATER GESSLER

GEGRÜNDET  
1777-1782

LIKÖRERZEUGUNG  
GESELLSCHAFT M. B. H.



J. A. BACZEWSKI

ALTMANNSDORFERSTRASSE 75 • 1120 WIEN • TELEFON 84 68 42

MUTUAL WHOLESALE LIQUOR INC.  
4510 South Boyle Avenue  
Los Angeles, CA 90058

Re: VODKA MONOPOLOWA/J. A. BACZEWSKI

This confirms my agreement to transfer brand ownership of VODKA  
MONOPOLOWA/J. A. BACZEWSKI (Brand & Label Format), in the USA ~~and~~  
~~to~~ to MUTUAL WHOLESALE LIQUOR INC. (MUTUAL) for the sum of One-dollar  
(\$1.00).

Signature

רזיאל גסלר, משרד עורכי-דין  
RASIEL GESSLER, LAW OFFICES

רחוב יהודה המכבי 69, תל-אביב 62300  
69 Yehuda Hamakabi St., Tel-Aviv, Israel 62300  
טלפון: (972) 3-544-1194  
פקס: (972) 3-544-1197

Member Israel & California, U.S. Bars  
חבר לשכות עו"ד בישראל ובקליפורניה, ארה"ב

(Via Telefax)

18 September 1996

Mr. Mickey Beckenfeld  
Mutual Wholesale Liquor, Inc.  
DBA International Import Export  
4510 S. Boyle Ave.  
P.O. Box 58829  
Los Angeles, CA 90058

Subject: Amendment of August 27, 1992 Agreement  
with ALTVATER GESSLER / J.A. BACZEWSKI

Dear Mr. Beckenfeld:

First of all, my father and I wish you a Happy New Year  
and many more, 'till 120.

This letter is written in consultation with and in the  
presence of my father, Elek Gessler.

This is in followup to our meeting in Los Angeles  
approximately 6 weeks ago in which we discussed the effec-  
tuation of certain changes to the August 27, 1992 letter  
Agreement between Mutual Wholesale Liquor Inc. ("Mutual")  
and Altvater Gessler/J.A. Baczewski ("Altvater").

1. In review of the August 27, 1992 letter Agreement,  
it is noted that there is no provision with regards to the  
reversion of ownership of the brand VODKA MONOPOLOWA/J.A.  
BACZEWSKI in the event that Mutual for some reason ceases  
to distribute or promote the product.

Thus, my father proposes that the Agreement be modified  
to provide that ownership of said brand would revert to  
Altvater in the event that Mutual purchases eight (8) or  
less containers per calendar year.

Additionally, it is understood that the ownership of  
the brand VODKA MONOPOLOWA/J.A. BACZEWSKI referred to in  
paragraph 1 above, applies to the products manufactured in  
Austria only.

2. A. With reference to a case of 12 one liter bottles, it is agreed that effective January 1, 1997 the Agreement will be modified to reflect a change in price so that the net sum received by Altvater in New Jersey will be \$3.25 per case. Mutual will continue to pay the Austrian bottler and the shipping expenses as has been the custom to date.

2. B. The provision in the Agreement that "Any inflation or deflation affecting price by more than 10% will be adjusted to the satisfaction of both parties." shall remain in effect.

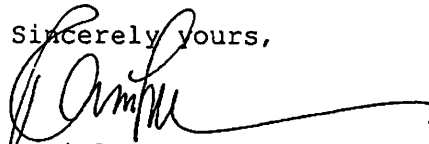
3. As we discussed, Altvater may be able to produce the brand in 750 ml bottles in Austria. Although the price per case has not been established yet, it is agreed that paragraph 2, above, would also apply to 750 ml bottles.

4. With respect to any future purchases of cordials under the brand name ALTVATER GESSLER/J.A. BACZEWSKI that Mutual may make from the manufacturer in Poland, it is agreed that Mutual will pay Altvater in New Jersey \$5.00 per case net. The actual price per case of the cordials and the terms of purchase have yet to be determined. All orders shall be placed through ALVATER in New Jersey.

5. With respect to any future purchases of vodka under the brand name ALTVATER that Mutual may make from the manufacturer in Poland, it is agreed that Mutual will pay Altvater in New Jersey \$5.00 per case net. The actual price per case of the vodka and the terms of purchase have yet to be determined. All orders shall be placed through ALVATER in New Jersey.

Please acknowledge your acceptance of the above modifications by signing in the place provided below and faxing me a copy. If anything is objectionable, please notify me by fax immediately, because my father will be in Israel for only three more days. Once you approve, I will send you back a copy that has been executed by both of you.

Sincerely yours,

  
Rasiel Gessler

Accepted and Agreed to:

ALTVATER GESSLER G.A.B.

MUTUAL WHOLESALE LIQUOR, INC.

\_\_\_\_\_  
BY ELEK GESSLER, Pres.

\_\_\_\_\_  
BY MICKEY BECKENFELD, Pres.

Date: \_\_\_\_\_

Dated: \_\_\_\_\_



## TO WHOM IT MAY CONCERN:

We hereby confirm that the establishment:

MUTUAL WHOLESALE LIQUOR, INC.,  
DBA INTERNATIONAL IMPORT EXPORT  
4510 SOUTH BOYLE AVENUE  
LOS ANGELES, CALIFORNIA 90058  
U.S.A.

is authorized to import/distribute MONOPOLOWA VODKA (Distilled from Potatoes) in the United States Of America (U.S.A.).

## POWER OF ATTORNEY

Also, we hereby grant to MUTUAL WHOLESALE LIQUOR, INC., Dba INTERNATIONAL IMPORT EXPORT power of attorney in matters of compliance and registration of MONOPOLOWA VODKA (Distilled from Potatoes) in the U.S.A. and to enter into contracts with Wholesalers and Agents, in our behalf, assigning and designating specific territories within the U.S.A. wherein such Wholesalers and Agents may sell and deliver MONOPOLOWA VODKA (Distilled from Potatoes).

It is also confirmed herewith that, by a separate agreement, brand ownership of MONOPOLOWA VODKA (Distilled from Potatoes) in the U.S.A. has already been transferred to MUTUAL WHOLESALE LIQUOR, INC. Dba INTERNATIONAL IMPORT EXPORT.

ALTVATER GESSLER/J. A. BACZEWSKI

DATE: August 27, 1992



**ALTVATER GESSLER**

GICXONDEY  
1777-1788

**LIKORBRZUQUNG  
GEBLUSCHAF M. B. H.**



**J. A. BACKEWSKI**

1010 Wien, Strobelg. 2/2. Stock/13 AUSTRIA,  
Tel. 0043 (0) 2247 / 70 70. Fax 0043 (0) 2247/ 70 70 10

March 16, 2003

**TO WHOM IT MAY CONCERN:**

We hereby confirm that we have, by separate agreement, granted the establishment:

MUTUAL WHOLESALE LIQUOR, INC.  
DBA INTERNATIONAL IMPORT EXPORT  
4510 SOUTH BOYLE AVENUE  
LOS ANGELES, CALIFORNIA 90058  
U.S.A.

the exclusive right to import, market, sell and distribute MONOPOLOWA™ products in the United States of America (U.S.A.), to include, but not limited to, MONOPOLOWA VODKA™ (Distilled from Potatoes); GIN MONOPOLOWA™; MALINOWA RASPBERRY MONOPOLOWA™; WISNIOWKA CHERRY MONOPOLOWA™; PIOLUNOWKA BITTER MONOPOLOWA™; KRUPNIK HONEY MONOPOLOWA™ and JEZINOWKA BLACKBERRY MONOPOLOWA™.

**POWER OF ATTORNEY**

Also, we hereby grant to MUTUAL WHOLESALE LIQUOR, INC., Dba INTERNATIONAL IMPORT EXPORT, power of attorney in matters of compliance with laws and regulations and registration of the above-referenced MONOPOLOWA™ Products in the U.S.A. and to enter into contracts with Wholesalers and Agents, in our behalf, for the purpose of assigning and designating specific territories within the U.S.A. wherein such Wholesalers and Agents may sell and deliver the above-referenced MONOPOLOWA™ Products.

Sincerely yours,

  
Riek Gessler  
General Manager